

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/15/08

KAPLAN, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

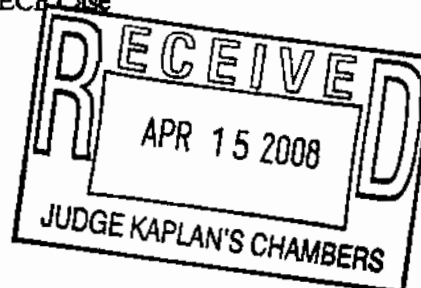
v.

BIOVAIL CORPORATION,
EUGENE N. MELNYK,
BRIAN CROMBIE,
JOHN MISZUK, and
KENNETH G. HOWLING

Defendants.

No. 08 CIV 02979 (LAK)
(GWG)

ECF Case



STIPULATION REGARDING DEADLINE FOR FILING RESPONSIVE PLEADINGS

WHEREAS, Plaintiff filed and served a Complaint in this action on March 24, 2008 (the "Complaint");

WHEREAS, Defendants have accepted service of the Complaint and agreed to waive service of the summons; and

WHEREAS, the parties believe that it is appropriate and in the interests of judicial economy to set a common date on which all responsive pleadings will be due;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that each Defendant shall have until through and including June 23, 2008 to answer or otherwise respond to the Complaint.

This Stipulation may be executed in counterparts.

By: 

Mark K. Schonfeld
Andrew M. Calamari
Robert J. Keyes
Todd D. Brody
Celeste A. Chase
Catherine Smith
Securities and Exchange Commission
3 World Financial Center
New York, NY 10281-1022
Tel: (212) 336-1120

*Attorneys for Plaintiff Securities and Exchange
Commission*

By: 

Gregory P. Joseph
Mara Leventhal
Gregory P. Joseph Law Offices LLC
485 Lexington Avenue, 30th Floor
New York, NY 10017
Tel: (212) 407-1200

Lanny A. Breuer
Dennis B. Auerbach¹
Covington & Burling LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: (202) 662-6000

Attorneys for Defendant Eugene N. Melnyk

By: _____

David M. Becker
Shawn J. Chen
Cleary Gottlieb Steen & Hamilton LLP
2000 Pennsylvania Avenue, NW
Washington, DC 20006-1801
Tel: (202) 974-1500

Attorneys for Defendant Brian Crombie

By: _____

Bruce Hiler
Jodi Avergun
Cadwalader, Wickersham & Taft LLP
1201 F Street, NW
Washington, DC 20004
Tel: (202) 862-2200

Attorneys for Defendant John Misruk

¹ Motion for admission pro hac vice pending.

This Stipulation may be executed in counterparts.

By: _____

Mark K. Schonfeld
Andrew M. Calamari
Robert J. Keyes
Todd D. Brody
Celeste A. Chase
Catherine Smith
Securities and Exchange Commission
3 World Financial Center
New York, NY 10281-1022
Tel: (212) 336-1120

*Attorneys for Plaintiff Securities and Exchange
Commission*

By: _____

Gregory P. Joseph
Mara Leventhal
Gregory P. Joseph Law Offices LLC
485 Lexington Avenue, 30th Floor
New York, NY 10017
Tel: (212) 407-1200

Larry A. Breuer
Dennis B. Auerbach¹
Covington & Burling LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: (202) 662-6000

Attorneys for Defendant Eugene N. Melnyk

By: Shawn J. Chen

David M. Becker
Shawn J. Chen
Cleary Gottlieb Steen & Hamilton LLP
2000 Pennsylvania Avenue, NW
Washington, DC 20006-1801
Tel: (202) 974-1500

Attorneys for Defendant Brian Crombie

By: _____

Bruce Hiler
Jodi Avergun
Cadwalader, Wickersham & Taft LLP
1201 F Street, NW
Washington, DC 20004
Tel: (202) 862-2200

Attorneys for Defendant John Misruk

¹ Motion for admission pro hac vice pending.

This Stipulation may be executed in counterparts.

By: _____

Mark K. Schonfeld
Andrew M. Calamari
Robert J. Keyes
Todd D. Brody
Celeste A. Chase
Catherine Smith
Securities and Exchange Commission
3 World Financial Center
New York, NY 10281-1022
Tel: (212) 336-1120

Attorneys for Plaintiff Securities and Exchange Commission

By: _____

Gregory P. Joseph
Mara Leventhal
Gregory P. Joseph Law Offices LLC
485 Lexington Avenue, 30th Floor
New York, NY 10017
Tel: (212) 407-1200

Lanny A. Breuer
Dennis B. Auerbach¹
Covington & Burling LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: (202) 662-6000

Attorneys for Defendant Eugene N. Melnyk

By: _____

David M. Becker
Shawn J. Chen
Cleary Gottlieb Steen & Hamilton LLP
2000 Pennsylvania Avenue, NW
Washington, DC 20006-1801
Tel: (202) 974-1500

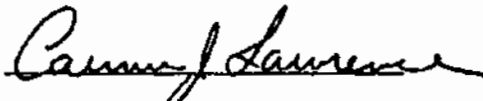
Attorneys for Defendant Brian Crombie

By:  _____

Bruce Hiler
Jodi Avergun
Cadwalader, Wickersham & Taft LLP
1201 F Street, NW
Washington, DC 20004
Tel: (202) 862-2200

Attorneys for Defendant John Miszuk


¹ Motion for admission pro hac vice pending.

By: 

Carmen J. Lawrence
Michael B. deLeeuw
Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, NY 10004-1980
Tel: (212) 859-8000

Attorneys for Defendant Kenneth G. Howling

SO ORDERED:


Hon. Lewis A. Kaplan
United States District Judge

Dated: 4/15/08